

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 19 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

KARIM CHRISTIAN KAMAL,

No. 18-55129

Plaintiff-Appellant,

D.C. No. 2:15-cv-01585-FMO-JC

v.

MEMORANDUM\*

UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court  
for the Central District of California  
Fernando M. Olguin, District Judge, Presiding

Submitted March 12, 2019\*\*

Before: LEAVY, BEA, and N.R. SMITH, Circuit Judges.

Karim Christian Kamal appeals pro se from the district court's summary judgment in his Federal Tort Claims Act ("FTCA") action alleging claims arising from a motor vehicle accident in the Angeles National Forest. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Guatay Christian*

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*Fellowship v. County of San Diego*, 670 F.3d 957, 970 (9th Cir. 2011) (cross-motions for summary judgment); *Green v. United States*, 630 F.3d 1245, 1248 (9th Cir. 2011) (district court’s application of the FTCA’s discretionary function exception). We affirm.

The district court properly granted summary judgment for defendant because it is immune from liability on Kamal’s claims under the “discretionary function” exception to the FTCA. *See* 28 U.S.C. § 2680(a); *United States v. Gaubert*, 499 U.S. 315, 322-23 (1991) (the discretionary function exception covers acts that are “discretionary in nature” and “based on considerations of public policy”).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

**AFFIRMED.**